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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,147	04/21/2004	Marc A. Cossette	2005-040290	5091

28289 7590 09/22/2005

THE WEBB LAW FIRM, P.C.  
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EXAMINER
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GOODMAN, CHARLES

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/829,147	COSSETTE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles Goodman	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/10/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hrusch (US 5,894,666) in view of Ramun '958 (US 5,926,958)

Hrusch discloses the invention substantially as claimed except for the base (20) having a recess and the insert (e.g. 62) having a profile that conforms to the recess contour. However, Ramun '958 teaches a base (e.g. 34) having a recess contour (Fig. 2) and a cutting insert (40) having a profile (e.g. 68) that conforms to the recess contour which provides a safer and inherently a more enhanced connection between the insert

and the base. Note e.g. c. 6, ll. 65-66. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device of Hrusch with the addition of an recess contour and profile/projection thereto as taught and suggested by Ramun '958 in order to facilitate a safer and enhanced connection between the parts.

Regarding claim 4 and similar, the modified device of Hrusch discloses the invention substantially as claimed except for the triangular shape of the contour and the recess. However, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Hrusch with the triangular shape in order to insure that the enhanced connection will be maintained vis-à-vis the fact that the non-circular shape prevents unwanted rotation of the insert as well as providing more surface area (in most instances) for the securement, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art, especially since such a change does not render unexpected or unobvious results. *In re Rose*, 105 USPQ 237 (CCPA 1955). Alternatively, the Examiner takes Official Notice of the obviousness of this feature for substantially the same reasons.

4. Claims 8-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hrusch (US 5,894,666) as applied to claims 1-7 and 13-16 above, and further in view of Ramun '971 (US 5,940,971).

The modified device and method of Hrusch discloses the invention substantially as claimed except for the fastener passing through a common bore. However, this type of configuration is well known in the art as demonstrated by Ramun '971. Ramun '971 teaches an insert (e.g. 10); recess (e.g. 68); and a type of profile/projection (60) with a

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fastener (16, 18, 19) passing through a common bore (e.g. 15, 62, 25) to thereby connect the insert to the base (24). Ramun '971's teachings suggest that this configuration is an efficient means of connecting the parts together. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified invention of Hrusch with the common bore configuration as taught and suggested by Ramun '971 in order to facilitate a more efficient means of connecting the parts.

### ***Conclusion***

5. Jacobson et al and Ramun '308 are cited as pertinent art.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

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cg   
September 19, 2005

  
**Charles Goodman**  
**Primary Examiner**  
**AU 3724**

CHARLES GOODMAN  
PRIMARY EXAMINER